

Message Text

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ACTION HA-05

INFO OCT-01 IO-13 ISO-00 CIAE-00 DODE-00 NSAE-00
NSCE-00 SSO-00 ICAE-00 INRE-00 PM-05 H-01 INR-10
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FM USYUSSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 3668
INFO USMISSION USUN NEW YORK IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 13161

FOR HA, SECY DERIAN; IO GEORGE DALLEY; USUN FOR E.
MEZVINSKY, FROM AMBASSADOR VANDEN HEUVEL

E.O. 11652: GDS
TAGS: SHUM
SUBJ: COMPLAINTS ALLEGING HUMAN RIGHTS VIOLATIONS IN THE
UNITED STATES

REFS: (A) GENEVA 9294; (B) GENEVA AIRGRAM 211 OF 7/14/78;
(C) GENEVA AIRGRAM A-257 OF 10/12/77.

1. I WILL BE MEETING WITH AMB CARTER AS SOON AS POSSIBLE
TO DISCUSS THE HANDLING BY THE WORKING GROUP OF THE SUB-
COMMISSION AGAINST DISCRIMINATION OF THE HUMAN RIGHTS
COMMISSION OF THE COMPLAINTS ALLEGING A PATTERN OF RACIAL
DISCRIMINATION BY LAW AUTHORITIES IN MEMPHIS AND SHELBY
COUNTY, TENNESSEE.

2. I WILL ASK AMB CARTER TO ASSURE US THAT THE RULES AND

REGULATIONS OF THE WORKING GROUP HAVE BEEN MET REGARDING
A TIMELY RESPONSE BY A GOVERNMENT TO A COMMUNICATION FROM
THE SECRETARIAT REGARDING HUMAN RIGHTS VIOLATIONS. WE
REKEIVED THE DOCUMENT ON JULY 14. IT WAS POUCHED
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IMMEDIATELY TO WASHINGTON WHERE IT WAS RECEIVED ON JULY 28.
IT SEEMS UNREASONABLE THAT ANY GOVERNMENT WOULD BE
COMPELLED TO RESPOND TO SUCH A MULTI-DIMENSIONAL COMPLAINT
WITHOUT BEING AFFORDED MORE TIME FOR THE NECESSARY
RESEARCH. IT IS OUR UNDERSTANDING THAT ONLY THE COMPLAINT
CONTAINED IN AIRGRAM A-211 WAS CITED, ALTHOUGH I DO THINK
THAT WE SHALL HAVE TO TAKE INTO ACCOUNT THAT MANY OF THE

ABUSES RAISED IN THAT COMPLAINT HAD BEEN RAISED IN AN EARLIER COMPLAINT TO THE SUB COMMISSION AND WERE FORWARDED TO THE DEPARTMENT LAST OCTOBER UNDER COVER OF A-257. THESE CHARGES AND CDMPLAINTS WERE SIGNED BY OVER 200 PEOPLE, AND THE DEPARTMENT FAILED TO RESPOND IN ANY WAY.

3. I STRONGLY ADVISE THAT WE CONTACT THE ALLEGED SPONSORS OF THIS COMPLAINT, NAMELY, THE MEMPHIS CONGRESS OF RACIAL EQUALITY, THE BRIDGEWATER SHELBY COUNTY NAACP AND THE CHURCH OF HUMAN DEVELOPMENT. IN OUR INITIAL RESPONSE, THE BONAFIDES OF COMPLAINANTS MAY BE AN IMPORTANT FACTOR. IT APPEARS THAT DR. ISAAC RICHMOND IS THE AUTHOR OF BOTH DOCUMENTS (REF B). HE IS IDENTIFIED AS THE COORDINATOR OF THE MEMPHIS COMMITTEE ON HUMAN RIGHTS. WHETHER THE OTHER ORGANIZATIONS ARE PREPARED TO BE SIGNATORIES TO SUCH COMPLAINTS COULD PROVE TO BE A CRUCIAL QUESTION.

4. THE COMPLAINT ALLEGES THAT THE GROUP VISITED AMBASSADOR ANDREW YOUNG IN NEW YORK CITY ON SEPTEMBER 20, 1977 AND THAT HE REFUSED TO MEET WITH THE DELEGATION. AMB YOUNG MAY BE ABLE TO PROVIDE US WITH THE BACKGROUND THAT WOULD HELP IN THE PREPARATION OF A DEFINITIVE REPLY.

5. THE COMPLAINT INCORPORATED IN A-211 (PAGE 19) REFERS TO A REPORT ON THE GENERAL SITUATION BY THE TENNESSEE ADVISORY COMMISSION TO THE UNITED STATES COMMISSION ON CONFIDENTIAL

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CIVIL RIGHTS. I WOULD URGE THAT THE ADVISORY COMMISSION BE CONTACTED AS WELL AS THE EXECUTIVE DIRECTOR OF THE US COMMISSION TO SEE WHAT EVIDENCE AND CONCLUSIONS THEY HAVE ACCUMULATED THAT MIGHT HAVE REFERENCE TO THESE COMPLAINTS. MY RECOLLECTION OF THE LAPCHICK CASE CITED IN A-211 (PAGE 35) IS THAT SUBSEQUENT INVESTIGATION FOUND IT TO BE FAR DIFFERENT THAN THE ORIGINAL REPORT. IT WOULD BE USEFUL TO HAVE EITHER AN FBI OR A VIRGINIA INVESTIGATIVE REPORT ON THIS MATTER.

6. AS THIS MISSION POINTED OUT IN PERSONAL MEETINGS IN THE DEPARTMENT AND IN GENEVA AND AS WE FURTHER STATED IN GENEVA 9294 WE HAVE FOUND IT DIFFINULT TO EXPLAIN WHY OUR GOVERNMENT HAS BEEN UNABLE TO PROVIDE TIMELY AND EFFECTIVE REPLIES IN VARIOUS COMPLAINTS THAT HAVE BEEN LODGED AGAINST US IN THE HUMAN RIGHTS COMMISSION. THE PRESIDENT'S INTERNATIONAL INITIATIVE IN HUMAN RIGHTS CANNOT BE STRENGTHENED WHEN WE ARE UNABLE TO COMPLY WITH THE MOST ELEMENTAL INTERNATIONAL PROCEDURES. AT A HUMAN RIGHTS STRATEGY SESSION IN IO ON AUGUST 9 SEVERAL OF US RAISED THIS POINT AGAIN. I SUGGESTED THAT THE DEPT CANNOT AVOID THE POLITICAL RESPONSIBILITY OF THE INTERNATIONAL

CONSEQUENCES OF HUMAN RIGHTS COMPLAINTS AGAINST THE
UNITED STATES. IT WAS THEREFORE NECESSARY TO CREATE OR
FIND A FUNCTIONAL GROUP THAT COULD COORDINATE WITH FEDERAL,
STATE AND LOCAL AUTHORITIES THE RELEVANT INFORMATION
NEEDED TO REPLY. MY OWN EXPERIENCE WITH THE AMERICAN BAR
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ASSOCIATION AND WITH THE ASSOCIATION OF THE BAR OF THE
CITY OF NEW YORK, AND THEIR APPROPRIATE COMMITTEES,
CONVINCED ME THAT THERE ARE COUNTLESS LAWYERS WHO WOULD

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C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 13161

FOR HA, SECY DERIAN; IO GEORGE DALLEY; USUN FOR E.
MEZVINSKY, FROM AMBASSADOR VANDEN HEUVEL

CONTRIBUTE THEIR TIME VOLUNTARILY TO HELP IN THE
PREPARATION OF THESE REPLIES WHICH THE DEPT COULD THEN
ACCEPT OR AMEND BEFORE FORWARDING AS AN OFFICIAL GOVERN-
MENT RESPONSE. FOR A MODEST AMOUNT OF MONEY, A GROUP
OR GROUPS COULD PROVIDE AN INDISPENSIBLE SERVICE. I AM
PLEASED TO HEAR THAT DISCUSSIONS RELATING TO THIS
PROPOSAL ARE PROCEEDING. I HOPE YOU WILL KEEP US
INFORMED.

7. ALL OF US WHO HAVE BEEN INVOLVED OVER THE YEARS WITH
THE CRIMINAL JUSTICE SYSTEM KNOW OF ITS INEQUITIES AND
INJUSTICES. NO ONE HAS BEEN A MORE POWERFUL SPOKESMAN
REGARDING THE PROBLEM THAN PRESIDENT CARTER HIMSELF (SEE
SPEECH BEFORE UNIVERSITY OF GEORGIA LAW SCHOOL MAY 1,
1974). THE COMPLAINTS THAT WE ARE DEALING WITH NOW
BEFORE THE HUMAN RIGHTS COMMISSION FOCUS MANY PROBLEMS

THAT ARE NOT SIMPLE TO RESOLVE. THE FACT THAT THE US MAY BE CITED WHILE NOT A SINGLE COMMUNIST TOTALITARIAN GOVERNMENT FACES THE SAME INDICTMENT WILL BE VERY DIFFICULT FOR AMERICANS TO UNDERSTAND OR ACCEPT. ON THE OTHER HAND, IF THE US IGNORES THE PROCEDURES OF THE UN AND CHOOSES TO

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RESPOND IN A NEGATIVE POLITICAL MANNER RATHER THAN SUBSTANTIVELY THEN WE WILL RUN THE RISK OF SEVERELY DILUTING THE IMPACT OF THE GOVERNMENT'S INITIATIVE. IT IS TOO EARLY TO ADVISE A PROPER COURSE REGARDING THE PRESENT SITUATION. THE RULES AND PRDCEPES SHOULD BE STUDIED CAREFULLY AND THE FACTS RELATING TO THE VARIOUS COMPLAINTS SHOULD BE BROUGHT TOGETHER TO INFLUENCE THE JUDGMENTS THAT MUST BE MADE. IF NOTHING ELSE THE PRESENT SITUATION GIVES URGENT EMPHASIS TO OUR PLEA THAT WE TAKE THE HUMAN RIGHTS COMPLAINT PROCEPNES IERIOUSLY AAD THAT WE ESTABLISH THE MEANS BY WHICH TIMELY AND EFFECTIVE RESPONSES CAN BE FORMULATED. IT IS ALSO URGENT THAT WE ASSIST IN EVERY POSSSSIBLE WAY THOSE NGO'S, INDIVIDUALS AND OTHER GOVERNMENTS TO PREPARE THE DETAILED ALLEGATIONS AGAINST THOSE TOTALITARIAN GOVERNMENTS WHO SCORN THE INTEGRITY OF QIR OBJECTIVES WITH THE CONFIDENCE THAT THEIR CLOSED SOCIETIES CANNOT BE COMPELLED TO RESPOND. IT IS BNOT ENOUGH TO BEWAIL THE LACK DF INDICTMENTS AGAINST TOTALITARIANLVPPRESSION OF HUMAN RIGHTS WHEN WE DO NOT TAKE THE TIME OR COMMIT THE RESOURCES TO HELP THOSE WHO HAVE THE FACTS PREPARE THEIR COMPLAINTS FOR SUBMISSION TO THE PROPER FORUMS. VANDENMGEUVEL

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